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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re:) Case No.: 10-22264-B-13J
)
PATRICK L. HAWKINS,) DCN: SAG-1
)
GLENDA C. HAWKINS,) **MOTION TO COMPEL ABANDONMENT**
)
Debtors) DATE: June 1, 2010
TIME: 9:30 a.m.
Judge: Christopher M. Klein
Location: U.S Federal Court
501 I St. Courtroom 35 Dept. C
Sacramento, CA 95814

Pursuant to § 554(b) and Rule 6007(b) of the Federal Rules of Bankruptcy Procedure, PATRICK L. HAWKINS AND GLENDA C. HAWKINS, hereby moves this Court for an order directing the Chapter 7 trustee Susan Didricksen to abandon the bankruptcy estate's interest in certain property of the debtors business for the reason that it is of inconsequential value and benefit to the estate. Moreover, the trustee concurred that the abandonment of the debtors' business property is proper.

Memorandum of Points and Authorities

I. Factual Background

Joint debtor PATRICK HAWKINS dba Hawkins Construction filed a voluntary petition of relief under Chapter 7 of the Bankruptcy Code on January 29, 2010. The business is a sole proprietorship and included property used specifically for the business.

1 The property so described is claimed as exempt by the debtors
2 under C.C.P. § 706.140(b)(5) & § 706.140(b)(6).

3 As reflected on Schedule B of the Debtors Schedules of Assets
4 and Liabilities which were filed on the petition date the debtors
5 own certain property consisting of Hawkins Construction, a 1995
6 Geo Metro automobile, 1988 Chevrolet Pick Up truck, an office desk
7 and miscellaneous hand tools specifically consisting of a hand
8 saw, a hammer, an air compressor, a nail gun, and measuring tape
9 located at 11232 Quail Drive, Pine Grove, CA 95665. The debtors
10 valued this property at \$3,615.00 and claimed an exemption of
11 \$3,615.00 on Schedule C.

12 Clearly therefore the property is of inconsequential value and
13 provides no benefit to the estate. As such, the property should
14 be abandoned as property of the estate.

15 II.

16 LEGAL AUTHORITY

17 Section 554(b) of the Bankruptcy Code provides that "[o]n
18 request of a party in interest and notice and a hearing, the court
19 may order the trustee to abandon any property of the estate that
20 is of inconsequential value and benefit to the estate." 11 U.S.C.
21 § 554(b).

22 Here the property is of inconsequential value and benefit to
23 the estate as demonstrated by the debtors own schedules that have
24 been filed with this case. The property used for by joint
25 debtor's business is fully exempt leaving no assets for
liquidation by the standing chapter 7 trustee.

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III.

CONCLUSION

WHEREFORE, for the foregoing reasons debtors PATRICK L. HAWKINS and GLENDA C. HAWKINS respectfully requests this Court enter an order directing the trustee to immediately abandon the business property as property of the estate.

Dated: April 12, 2010

BY: /s/Richard Kwun
Richard Kwun, Attorney